

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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VINCENT BERRY,

Plaintiff,

v

CENTRAL MICHIGAN UNIVERSITY,  
CENTRAL MICHIGAN UNIVERSITY  
MEDICAL SCHOOL, MARK DESANTIS,  
MARIE C. MATTE, BRIAN SLENSKI,  
TINA THOMPSON, LINDA PERKOWSKI,  
DANIEL GRIFFIN, MARC SPENCER, JAMIE  
ALAN, ROBERT PETERSON, JULLIEN  
ROSSIGNOL, SANDRA HOWELL, and  
GEORGE KIKANO,

Defendants.

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**STIPULATION REGARDING RULE 16 SCHEDULING CONFERENCE**

Pursuant to Fed. R. Civ. P. 16(B)(1), the District Judge must issue a scheduling order: (A) after receiving the parties Joint Status Report under Rule 26(f); or (B) after consulting with the parties' attorneys at a scheduling conference. The District Judge must issue the scheduling order as soon as practicable, but unless the

judge finds good cause for delay, the Judge must issue it within the earlier of 90 days after any defendant has been served with the compliant or 60 days after any defendant has appeared. Fed. R. Civ. P. 16(B)(2).

In addition, Fed. R. Civ. P. 26(f)(1) provides that the parties must confer as soon as practicable, and in any event at least 21 days, before a scheduling conference is to be held or a scheduling order is due. *Id.* In conferring, the parties must, among other things, arrange for initial disclosures under Rule 26(a)(1), develop a proposed discovery plan, and prepare a Joint Status Report.

In this case, on May 16, 2019, the various Defendants in this matter filed five Motions to Dismiss (Doc Nos. 3, 4, 5, 6, and 7), a Motion for More Definite Statement (Doc No. 8) and a Motion to Reassign Case to the Northern Division. (Doc. No. 9). The parties acknowledge that the Court's resolution of those motions may impact this case, as well as their conference required by Rule 26(f). However, the parties also recognize that the Court is required under Rule 16(B) to timely issue a scheduling order and/or to set the date for a Rule 16 Scheduling Conference.

Consequently, the parties agree that good cause exists to delay the Rule 16 Scheduling Conference and the issuance of the scheduling order, until after the Court has resolved the Defendants' various motions. The parties further agree that they should confer as required by Rule 26(f), and submit their Joint Status Report, after the Court has resolved the pending motions.

/s/ Lamont D. Satchel

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Dated: May 31, 2019

/s/ Michael E. Cavanaugh

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Dated: May 31, 2019

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**ORDER REGARDING RULE 16 SCHEDULING CONFERENCE**

Having reviewed the stipulation submitted by the parties, and having found good cause to delay issuing the scheduling order in this case, the Court Orders as follows:

1. That unless the Court directs otherwise, the parties, through their attorneys, are required to confer, as required by Fed. R. Civ. P. 26(f), within 7 days after the Court enters an order(s) resolving Defendants' Motions to Dismiss, the Motion for More Definite Statement and the Motion to Reassign Case to the Northern Division.

2. Within 3 days after the conference described above, the parties, through their attorneys, shall submit their Joint Status Report to the Court.

3. Unless the case is reassigned to the Northern Division, upon receipt of the Joint Status Report, the Court will then either issue the Scheduling Order or set the date for the Rule 16 Scheduling Conference.

**IT IS SO ORDERED.**

/s/Terrence G. Berg

**TERRENCE G. BERG**

**UNITED STATES DISTRICT JUDGE**

**Dated: June 10, 2019**